

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION NUMBER 2

October 21, 2011

COMMISSION ORGANIZATION, COMMITTEE ASSIGNMENTS AND MEETING PROCEDURES

PURPOSE: To prescribe the Nebraska Commission on Law Enforcement and Criminal Justice (Commission) organizational structure, assignments to committees and the conduct of Commission and committee meetings.

1. **REQUIREMENT:** Neb.Rev.Stat. 81-1417 prescribes the Commission membership and requires that, except for the Governor, the Attorney General, the Superintendent of the Nebraska State Patrol and the Director of the Department of Correctional Services, the members of the Commission shall be appointed by the Governor. Neb.Rev.Stat. 81-1419 and 81-1424 require that the Commission Chairperson and Executive Director be appointed by the Governor. Neb.Rev.Stat. 81-1407 provides that the chairperson of the Police Standards Advisory Council will serve as a member of the Crime Commission.

The Juvenile Justice and Delinquency Prevention Act requires the Commission to be designated as the sole agency for supervising the preparation and administration of the juvenile justice program and specifies minimum requirements regarding the relationship between the Commission and the Nebraska Coalition for Juvenile Justice.

2. **COMMISSION CHAIRPERSON:** The Commission Chairperson is the chief executive officer of the Commission and may delegate such duties to the Executive Director as may be authorized by the Commission. The Chairperson will designate a member to act as Chairperson when he or she is absent during Commission meetings or designate a Vice-Chairperson for this purpose.

The Chairperson will establish standing committees as required and appoint or reappoint members and committee chairpersons to serve two year terms.

3. **MEETINGS:**

- a. The Commission will normally meet quarterly (usually-the last Friday of January, April, July and October.) The Commission will review activities of the committees as reported by their chairpersons and provide oversight of Commission activities and other business as required.
- b. The Executive Director will advise as to the meeting time and place, and arrange for the meeting site, recording of the minutes and related matters for Commission and committee meetings.

- c. The conduct of the Commission and the meetings of any of its committees will be in accordance with Robert's Rules of Order, and voting procedure will be determined by the chairperson. Those members whose agencies directly benefit from a Commission action are asked to participate fully in the discussion process leading to decision, but to abstain from voting, which will be noted in Commission minutes.
- d. The Chairperson will call the meeting to order and member attendance will be reported to the recording secretary.
- e. Ten members shall constitute a quorum for the transaction of any business or the exercise of any power of the Commission. The Commission shall have the power to act by a majority of the members present at any meetings at which a quorum is in attendance.
- f. Business items will normally be taken up in the order indicated by the public meeting notice.
- g. Commission policies and procedures will be published by the Executive Director in the form of Rules and Regulations, Operating Instructions, or Staff Memorandums.

4. OPEN PUBLIC MEETINGS:

- a. All regular, special, or called meetings of the Commission or any of its committees for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action shall be open to the public.
- b. At least seven days advance notice of the time and place of each meeting shall be given by the Executive Director by publishing in newspapers of general circulation. The notice shall contain an agenda of subjects to be discussed or a statement that the agenda, which shall be kept current, is available for public inspection at the office of the Commission.

When the Commission agenda or the agenda of any of its committees or boards includes public hearings on proposed rules and regulations, public notice of the agenda shall be published 30 days in advance of the meeting.

- c. Regular, special, or called meetings of any committee shall comply with these instructions, with the exception that advance published legal notice shall not be required unless the Commission has authorized a committee to take final action on grants or other business requiring a public hearing.

- d. Section 84-1411(3) allows public bodies to hold emergency meetings without reasonable advance public notice. An item of an emergency nature is one that requires immediate resolution by the public body, and one which has arisen in circumstances impossible to anticipate at a time sufficient to place on the agenda of a regular, called or special meeting of the body. Statute requires 1) The nature of the emergency shall be stated in the minutes, and any formal action taken shall pertain only to the emergency, 2) the provisions of 84-1411(2) dealing with notice to the media shall be complied with in connection with an emergency meeting, 3) complete minutes of the emergency meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day. Under 84-1411(3), emergency meetings may be held by electronic or telecommunications equipment.
- e. The minutes shall record the manner and date by which advance public notices were given, a statement of how the availability of an agenda of then known subjects was communicated, the date, time and place of each meeting actually convened, and the names of each member of the Commission or committees or boards present or absent.
- f. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the minutes shall state how each member voted, or if the member was absent or not voting.
- g. Minutes will be written and available for inspection within ten working days after the meeting, or prior to the next convened meeting, whichever occurs earlier.

5. CLOSED SESSIONS:

- a. A closed session may be held by the affirmative vote of a majority of the Commission or committee or board members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting.
- b. The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and time the closed session commenced and concluded shall be recorded in the minutes. The meeting shall be reconvened in open session before any formal action may be taken.

- c. Any member of the Commission or committee or board which is in closed session shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reasons stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority vote of the members and such challenge and its disposition shall be recorded in the minutes.

6. COMMITTEE FUNCTIONS AND PROCEDURES:

- a. Meetings will be called by the committee chairperson as the need arises.
- b. Staff assistance will be provided by the appropriate agency staff, which includes arranging for the meeting site, providing the agenda, and taking of minutes.
- c. The appropriate agency staff will formulate recommendations on matters before the committee and attend each meeting to assist the committee in its deliberations.
- d. Results of committee activities and actions will be reported to the Commission by the committee chairperson.

7. STANDING COMMITTEES: Members of the Crime Commission shall be appointed to these committees by the Commission chairperson to serve two year terms. Members may be reappointed to standing committees at the expiration of their terms. The Commission chairperson shall designate a chairperson for each committee.

- a. **Education, Research and Planning Committee:** At least four members shall be appointed. This Committee is responsible for developing Commission policies and procedures relating to training, education, research and evaluation. This includes Commission policies and procedures pertaining to the operation of the Law Enforcement Training Center and coordination with the Police Standards Advisory Council and the County Attorneys' Standards Advisory Council to ensure Commission compliance with state statutes. A current membership listing is available from the Crime Commission Office.
- b. **Grant Review Committee:** At least six members shall be appointed. Responsibilities of this committee include review of grant applications requesting funds from the Victims of Crime Act and Anti-Drug Abuse Act. The committee shall make recommendations to approve or deny grant applications based upon federal and state guidelines, funding priorities established by the Crime Commission, and the availability of funds. The committee's recommendations shall be forwarded to the Crime

from the Crime Commission Office.

- c. **Statute Review Committee:** At least four members shall be appointed. This committee is responsible for conducting a comprehensive review of all Nebraska statutes relating to law enforcement officers (i.e. powers, responsibilities, training) and recommending revisions or changes to existing statutes. A current membership listing is available from the Crime Commission Office.
- d. **Data Processing Committee:** At least four members shall be appointed to this committee. By Neb.Rev.Stat. 81-1423, the Commission has the authority to "conduct random annual audits of criminal justice agencies to verify the accuracy and completeness of criminal history record information maintained by such agencies and to determine compliance with laws and regulations dealing with the dissemination, security, and privacy of criminal history information." By Commission Rules and Regulations (Title 78, Chapter 4), the Data Processing Committee is designated to act as a hearing board for agencies that wish to appeal the results of a criminal history audit conducted by Commission staff. A current membership listing is available from the Crime Commission Office.

In the event a satisfactory solution cannot be reached between the Data Processing Committee and the agency filing an appeal, the committee shall forward pertinent information to the Office of the Attorney General for disposition.

- e. **Criminal Justice Information Systems Advisory Committee:** Members are appointed by the Executive Director and may include non-Crime Commission members. The committee is responsible for examining data sharing, information systems, and information technology among state and local criminal justice agencies. The committee shall also promote the usability of criminal justice information systems by establishing voluntary standards, promoting coordination, and encouraging technical assistance. A current list of members is available from the Crime Commission Office.

8. **ADVISORY COUNCILS AND GROUPS:**

- a. **NEBRASKA COUNTY ATTORNEY STANDARDS ADVISORY COUNCIL:** This council consists of seven members appointed by the Governor to four year terms as per the provisions of Neb.Rev.Stat. 23-1213. Neb.Rev.Stat.23-1216 requires this council to advise the Commission on the development of a continuing legal education curriculum for county attorneys and other deputies and establishing the annual number of hours required to complete the education. The council also reviews and makes funding recommendations to the Crime Commission on applications for Crimes Against Children funds. A current membership listing is available from the Crime Commission Office.

- b. **NEBRASKA COALITION FOR JUVENILE JUSTICE:** Members are appointed by the Governor and serve at his or her pleasure. Federal statutes require that a minimum of fifteen (15) persons serve on this advisory group. This advisory group, required by the Juvenile Justice and Delinquency Prevention Act, provides recommendations to the Commission on juvenile matters; participates in the juvenile plan planning process, reviews and comments on all juvenile project grant applications, monitors the juvenile justice system processes, monitors the efforts to achieve compliance with the Act requirements, and prepares recommendations to the Governor and Legislature for the Commission. A current listing is available from the Crime Commission Office.
- c. **NEBRASKA JUVENILE SERVICES GRANT COMMITTEE:** This committee consists of six (6) members who serve according to the provisions of Neb.Rev.Stat. 43-2411.
- d. **NEBRASKA CRIMINAL JUSTICE DRUG AND VIOLENT CRIME POLICY BOARD:** This advisory group, as recommended by the Anti-Drug Abuse and Violent Crime Formula Grant Program (Edward Byrne), oversees the development of the statewide drug and violent crime strategy and provides policy recommendations to the Commission. Members are appointed by the Governor and serve at his or her pleasure. A current listing is available from the Crime Commission Office.

9. STATUTORY COMMITTEES

- a. **NEBRASKA POLICE STANDARDS ADVISORY COUNCIL:** Neb.Rev.Stat. 81-1406 requires this seven member council to act for the Commission in all matters relating to law enforcement training and the Training Center. The Commission retains control over personnel and budgetary matters. Members are appointed by the Governor to four year terms. Membership requirements are listed in Neb.Rev.Stat. 81-1407. The chairperson of this council also serves as a member of the Commission. A current listing is available from the Crime Commission Office.
- b. **CRIME VICTIM'S REPARATIONS COMMITTEE:** This committee consists of five (5) Commission members appointed by the Governor to four year terms subject to approval by the legislature. The committee makes decisions regarding the appeals of crime victim compensation award/denial decisions, as subject to Neb.Rev.Stat. 81-1801 to 81-1842. A current membership listing is available from the Crime Commission Office.

- c. **COMMUNITY CORRECTIONS COUNCIL:** The 18 member Community Corrections Council was created through an amendment to Neb.Rev.Stat. §81-1423. The Council will develop standards for eligible community correctional facilities in which offenders can participate through probation and parole; develop, recommend and propose revised sentencing guidelines for consideration by the Supreme Court; analyze and mandate the use of offender risk assessment tools; and develop standards for eligibility of probation/parolee programs. A current membership listing is available from the Crime Commission.

The Crime Commission provides administrative and budgetary control to the Council as defined in Neb.Rev.Stat. §47-622. A Memorandum of Understanding was signed March 25, 2004 (see attached) between the Commission's executive director and the Council's director to clarify the relationship, duties, responsibilities and authority of and between the two directors.

10. **GOVERNING RULES:** Operating Instructions governing the committees, councils and boards listed in Sections 6-8 shall be prepared as required.

Michael E. Behm
Executive Director

Distribution: Commission members
and staff

This OI supersedes OI#2 dated
May 5, 1995